

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**CR 08-405-KI**

**v.**

**SUPERSEDING INDICTMENT**

**WINDY N. HARVEY,**

**18 U.S.C. §§ 924(c), 1111, 1153, and  
1512(a)(2)(C) and 1512(a)(3)**

**Defendant.**

**THE GRAND JURY CHARGES:**

**COUNT 1:**

**[Murder in the Second Degree]**

On or about August 15, 2008, on the Warm Springs Indian Reservation, within Indian Country, within the special maritime and territorial jurisdiction of the United States, and in the District of Oregon, **WINDY N. HARVEY**, defendant herein, an Indian male, with malice aforethought, did unlawfully kill Warren Wallulatum Jr., an Indian male, all in violation of Title 18, United States Code, Sections 1111 and 1153.

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**COUNT 2:**  
**[Using and Carrying a Firearm During and in  
Relation to a Crime of Violence]**

On or about August 15, 2008, on the Warm Springs Indian Reservation, within Indian Country, within the special maritime and territorial jurisdiction of the United States, and in the District of Oregon, **WINDY N. HARVEY**, defendant herein, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: Murder in the Second Degree, as alleged in Count One, or any lesser included offenses such as Voluntary Manslaughter or Involuntary Manslaughter, which are also crimes of violence, knowingly used and carried a firearm; the grand jury further alleges that during the commission of this offense the defendant discharged the firearm; all in violation of Title 18, United States Code, Section 924(c).

**COUNT 3:**  
**[Tampering with a Witness]**

On or about August 15, 2008, on the Warm Springs Indian Reservation, within Indian Country, within the special maritime and territorial jurisdiction of the United States, and in the District of Oregon, **WINDY N. HARVEY**, defendant herein, did knowingly use the threat of physical force with the intent to hinder, delay, and prevent the communication by a witness to a law enforcement officer of information relating to the commission and possible commission of a federal offense, to-wit: Murder in the Second Degree, or other lesser included federal offenses such as Voluntary Manslaughter or Involuntary Manslaughter; all in violation of Title 18, United States Code, Sections 1512(a)(2)(C) and 1512(a)(3).

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**COUNT 4:**  
**[Using and Carrying a Firearm During and in  
Relation to a Crime of Violence]**

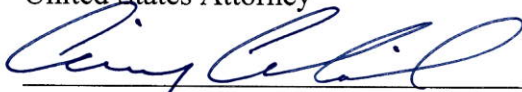
On or about August 15, 2008, on the Warm Springs Indian Reservation, within Indian Country, within the special maritime and territorial jurisdiction of the United States, and in the District of Oregon, **WINDY N. HARVEY**, defendant herein, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: Tampering with a Witness, as alleged in Count Three, knowingly used and carried a firearm; the grand jury further alleges that during the commission of this offense the defendant brandished the firearm; all in violation of Title 18, United States Code, Section 924(c).

DATED this 23 day of August 2011.

A TRUE BILL.

  
OFFICIAL FOREPERSON

Presented by:  
DWIGHT C. HOLTON  
United States Attorney



SCOTT M. KERIN, OSB # 965128

CRAIG J. GABRIEL, OSB # 012571

Assistant United States Attorneys